

REMARKS/ARGUMENTS

This application has been carefully considered in light of the Final Office Action on the merits of October 19, 2004, an interview with the Examiner and Supervisory Examiner and an Advisory Action mailed February 15, 2005. The applicant again thanks the Examiners for the courtesy of granting the interview after the Final Office Action. This application now contains claims 6-25, claims 24 and 25 being new.

Claims 6-12 have been rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 6-23 have been rejected under 35 U.S.C. 103(a) as being obvious and therefore unpatentable over US patent 6,778,967 to Nicholson when considered in view of the teachings of US patent 6,741,969 to Chen and further in view of the teachings of US patent 6,611,811 to Deaton.

To overcome the rejection under 35 U.S.C. 101, a response to the Final Office Action was filed on January 31, 2005 together with a one month extension of time. It is requested that the amendments to the claims submitted with that response be entered as the further amendments to the claims submitted herewith are based on the claims as amended by that response. In the Advisory Action issued by the Examiner, It was noted that the rejection to the

claims under 35 U.S.C. 101 had been overcome by the amendment to the claims filed January 31, 2005. Therefore, the remaining issues are with respect to the obviousness rejections outlined in the Final Office Action.

As discussed at the interview, the present invention is directed to a secure electronic method and system for purchasing commodities at a present or real time purchase price for redemption at a later date wherein a purchaser is pre-registered with the system and provided with a unique identification or authorization code with respect to a purchase. The method and system further establishes and maintains a quantity credit account with respect to quantities of a commodity authorized and purchased by a purchaser. Each of the independent claims of the application have been amended to specifically recite these features which are not believed to be taught or suggested in the cited references. Support for these elements of the invention or discussed at page 8 beginning at lines 4,7,and 16, page 9, line 6, page 10, beginning at line 16, page 11 at line 15, and page 16 beginning at line 1.

The foregoing elements of the present invention were discussed at the interview as clearly distinguishing the method and system of the present invention over the teachings of the patent to Nicholson. The reference to Nicholson does not provide for a secure system wherein a purchaser must pre-register nor one wherein

a unique and secure access code is provided to allow a purchaser to redeem quantities of a commodity purchased at a later time. In Nicholson, a Fuel Service Station System is disclosed wherein a fuel dispenser is provided or equipped with a screen, card reader and printer. At the dispenser, a person may purchase merchandise within the station shop. A receipt, token or coupon is printed and may be taken by the purchaser into the station shop for redemption. However, the redemption receipt is not secured and is a bearer document. That is, anyone could use the receipt to redeem the merchandise which has been purchased at the fuel dispenser. Further, there is no quantity account created with respect to a specific purchaser who has been pre-registered with the system. Thus, there is no teaching of any electronic verification with respect to the purchaser nor verification of a quantity account prior to redemption, as is the case with the present invention.

Further, claims 2 and 14 are directed to a method and system wherein at least a portion of the commodity purchased may be transferred in the system database to be redeemed by another or different entity. There is no such secured method or system taught in the reference to Nicholson or the secondary references. Support for this feature of the invention is found at page 8, line 10 and page 12, line 16.

With respect to claim 12, a method of electronically

transacting the purchase of a commodity is claimed that includes separating the quantity credit account into discrete purchase blocks with respect to commodities purchased. Such a block representation in a database is also not disclosed in the reference to Nicholson. Support for this feature of the invention is found at page 13, line 1, the paragraph beginning at page 14, line 16, page 19, lines 1-3 and drawing Fig. 11.

Claim 19 is directed to a system as set forth above wherein the quantities of commodities purchased may be made with respect to different geographic price zones, see drawing Figs. 5 and 7. There is no teaching in the cited references with respect to this aspect of the invention. Claim 20 is directed to the system wherein the zones may be converted, see drawing Figs. 5-11.

Claims 21 and 22 are directed to a system wherein encoded access devices may be used to obtain redemption of commodities purchased, see page 12, line 13 and page 16, the paragraph beginning at line 16.

Claim 23 is directed to the system of claim 13 further including weighted averaging of commodities purchased as described at page 19, the paragraph beginning at line 9. No such averaging is suggested in the cited references.

New claims 24 and 25 are directed to the system of claim 13 further including means to review and print file histories, see

page 18, line 6, page 19, line 7, and Fig. 2, and to modify purchase contact information, see page 13, the paragraph beginning at line 9, page 19, line 14, and Figs. 3 and 10.

In view of the foregoing, it is respectfully submitted that the primary reference to Nicholson does not anticipate the method or the system of the present invention for the reasons set forth herein. Therefore, it is believed that Nicholson does not provide a sufficient nexus to support an obviousness rejection over a combination including the references to Chen and Deaton. Chen discloses a dining auction web site where users place bids to reserve tables and may print or receive by mail winning certificates. Users may also buy gifts and items. The Examiner has cited Chen as teaching the redemption of commodities in an order in which they have been purchased. This limitation has been cancelled from the claims of the present application.

The reference to Deaton has been cited as teaching providing a weighted average of purchase value. As discussed at the interview, the weighted average as claimed in the present application is quite different and a good example is set forth at page 19, the paragraph beginning at line 9. Deaton teaches applying discounts to plurality of goods being purchase such that at a determined threshold or accumulated value, a discount is applied to the total cost of the goods.

An earnest effort has been made to place this application in condition for allowance. It is submitted that claims 6-25 are distinguishable over the cited prior art and any combination thereof. Favorable consideration and allowance of the claims is solicited.

Should the Examiner have any questions regarding this response or the amendments being submitted, it would be appreciated if the Examiner would contact the undersigned attorney-of-record at the telephone number shown below for further expediting the prosecution of the application.

A request for a one month extension of time was submitted with applicant's response filed January 31, 2005. Any additional fees may be charged to deposit account 04-1577.

Respectfully submitted,

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By 

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